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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 OAKLAND DIVISION

14 UNITED STATES OF AMERICA,

) CR No. 12-0651 YGR

15 Plaintiff,

) STIPULATION AND
16 [PROPOSED] INTERIM PROTECTIVE
ORDER

17 v.

18 JESSE YANG,

19 Defendant.

)

)

)

20 Plaintiff, United States of America, by and through MELINDA HAAG, United States
21 Attorney for the Northern District of California, and OWEN P. MARTIKAN, Assistant United
22 States Attorney for the Northern District of California, and the defendant, JESSE YANG, and
23 his attorney JOYCE LEAVITT, hereby stipulate and agree as follows:

24 WHEREAS the defendant is charged in a two-count Indictment with violations of Title

25 18, United States Code, sections 1591(a) and 2423(a). In connection with this Indictment, the
26 United States is in possession of police reports, FBI reports, other documents and media that
27 identify the alleged minor victims and minor witnesses in this case.

28 STIPULATION AND [PROPOSED] INTERIM PROTECTIVE ORDER RE: MINOR INFO.

CR No. 12-0651 YGR

1 WHEREAS pursuant to Title 18, United States Code, section 3509(d), an Attorney for
2 the Government is required to take measures to maintain the confidentiality of documents and
3 other materials that disclose the identity of a child victim or witness, including the preparation of
4 a proposed protective order that may “provide for any other measures that may be necessary to
5 protect the privacy of the child” victim or witness. 18 U.S.C. § 3509(d)(3).

6 WHEREAS in order to comply with Title 18, United States Code, section 3509(d), and to
7 allow the defendant the greatest opportunity to prepare an effective defense in preparation for
8 trial in this matter, the United States and defendant agree that disclosure of the recorded
9 interviews covered hereunder are subject to the following restrictions:

10 IT IS HEREBY STIPULATED AND AGREED:

11 1. The provisions of this Interim Protective Order apply to all documents, video recordings,
12 audio recordings, and pictures or photographs produced by the United States in this case that
13 identify or depict the alleged child victims in this case.

14 2. The following individuals (the “defense team”) may obtain and examine any material
15 identified in paragraph one, above, under the conditions set forth herein for the sole purpose of
16 preparing the defense and for no other purpose:

17 a. Counsel for defendant;
18 b. Persons employed by defense counsel who are assisting with the preparation of
19 the defense;
20 c. Defendant, but only in the presence of his/her attorney;
21 d. Any expert retained on behalf of the defendant to assist in the defense of this
22 matter;
23 e. Any investigator retained on behalf of defendants to assist in the defense of this
24 matter.

25 3. Members of the defense team agree to treat any documents described in paragraph one,
26 above, as confidential, meaning that they will not be given to anyone outside the defense team
27 without stipulation of the parties or a Court order, that they will not be included in any public
28 filings, either in summary, in part, or as exhibits or attachments, and that the identities of the

1 alleged child victims in this case will not be revealed to anyone outside the defense team without
2 the stipulation of the parties or a Court order. Photographs of alleged child victims covered by
3 this Interim Protective Order may be shown to witnesses.

4 4. Members of the defense team agree to destroy or return to the United States any
5 documents or other media covered by this Interim Protective Order at the end of this litigation.

6 5. Notwithstanding the provisions of this Interim Protective Order, the United States will
7 continue to keep confidential the contact information (not including the name, but including
8 information such as home address, phone number, or email address) of any alleged minor victim
9 or minor witness.

10 SO STIPULATED:

11 MELINDA HAAG
12 United States Attorney

13 DATED: October 19, 2012

14 _____/s/
15 OWEN P. MARTIKAN
16 Assistant United States Attorney

17 DATED: October 19, 2012

18 _____/s/
19 JOYCE LEAVITT
20 Attorney for Defendant Jesse Yang

21 SO ORDERED.

22 DATED: October 23, 2012

23 
24 HON. YVONNE GONZALEZ ROGERS
25 United States District Court Judge